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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,079	04/15/2005	Esa Morsky	3502-1062	3306
466	7590	07/20/2007		
YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202			EXAMINER CHAET, MARISSA W	
			ART UNIT 1722	PAPER NUMBER
			MAIL DATE 07/20/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/501,079

Applicant(s)

MORSKY ET AL.

Examiner

Marissa W. Chaet

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 1-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to: See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed February 28, 2007 have been fully considered but they are not persuasive. Examiner agrees that in Arkenbout (EP 0054328) and Setzer (US 6,444,181), the walls of the chamber are subjected to ultrasonic vibration generated outside the chamber. However, the amended claims include an acoustic generator within the chamber, including a horn directed inwardly of the chamber. Thus, Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the rejections of claims 12-22.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- 1. Claims 12-17 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Boucher (US 3,175,299).**
2. Regarding claims 12 and 14, Boucher discloses a chamber and method (10) for the crystallization of a solid crystal carrier (2), including an acoustic generator (32) disposed within the chamber and having a horn (32) which points inwardly of the chamber, the horn generating acoustic sound with an intensity of 140 dB. See Fig. 1; col. 1-2. In Boucher, the acoustic sound is drying and conditioning the crystalline

material, and thus the sound is capable of loosening the material from the walls of the chamber.

3. Regarding claims 13 and 22, Boucher discloses a horn pointed downwardly in the chamber, wherein the horn, or acoustic generator, directs the sound inwardly of the chamber. See Fig. 8.

4. Regarding claims 15-17, Boucher discloses sound with a frequency of between about 500 cycles per second, or Hertz, to about 30,000 cycles per second. See Fig. 6; col. 3, lines 30-35.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boucher (US 3,175,299) in view of Setzer et al. (US 6,444,181).**

6. Regarding claims 18-19, Boucher does not disclose the duration of sound. However, Setzer discloses sound oscillations that can be operated in a periodic manner, where oscillations are excited at certain time intervals with a certain period. See col. 2, lines 35-39. Thus, it would have been obvious to one of ordinary skill at the time of the invention to include sound duration of about 3-7 seconds, because such a time period is long enough to reduce the encrustation of substances on the walls of the crystallization chamber without altering the composition of the substance itself.

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7. Regarding claims 19-20, Boucher does not disclose the intervals at which sound is generated. However, Setzer discloses a solution passing the sonotrodes with a time interval of 5 to 20 seconds. See col. 1, lines 40-45. Thus, it would have been obvious to one of ordinary skill at the time of the invention to generate sound at certain periodic intervals, as suggested by Setzer, to regulate the pulsed ultrasonic oscillations.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa W. Chaet whose telephone number is 571-272-8094. The examiner can normally be reached on Monday-Friday 8:30am-5:00pm EST.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra N. Gupta can be reached on 571-272-1316. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MWC  
July 9, 2007



ROBERT DAVIS  
PRIMARY EXAMINER  
GROUP 1300-1700

7/10/07